

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

LEXI HONEYCUTT, et. al.,)
)
Plaintiffs,)
)
v.) No. 3:21-cv-311
)
)
CABINS FOR YOU, LLC, et al.)
)
Defendants.)

DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

COME the Defendants, Ambient Heating & Air, Inc., Cabins for You, LLC, Scott & Jenn Osborne, LLC, Scott Osborne, and Jenn Osborne (collectively “Defendants”), by and through counsel and pursuant to Fed. R. Civ. P. 56, and files this Motion for Partial Summary Judgment in this cause of action. As grounds for this Motion, Defendants would argue that it is anticipated that *Defendants’ Motion to Exclude Plaintiffs’ Vocational Expert Sara Ford MRC, Under Red. R. Evid. 702 and 703* (“Motion to Exclude”)¹—which is referenced as if specifically set forth herein verbatim—will be granted by this Court. As the Motion to Exclude explains, the expert testimony of Sara A. Ford, MRC (“Ford”) of Vocational Economics, Inc. (“VEI”) proffered by the Plaintiffs in this case to establish Plaintiffs’ lost wages/earning capacity (and any associated opinions and testimony) does not meet the admissibility standard under Fed. R. Evid. 702 and applicable law, including Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 588-590 (1993), and the information relied upon by Ford/VEI is not reasonably relied upon by vocational experts in the field of opining as to lost wages/earning capacity. The exclusion of Ford’s

¹ Dispositive Motions and Daubert Motions are both to be filed by January 9, 2023 according to the Scheduling Order in this matter. [Doc. 41, ¶¶ 5(b) and 5(c)]. Thus, out of an abundance of caution, this Motion is being filed to comply with this Court’s Order.

testimony necessarily prevents the Plaintiffs from successfully proving that their alleged injuries proximately caused their claimed lost wages/earning capacity, warranting summary judgment as to Plaintiffs' claims for lost wages/earning capacity.

In support of this Motion, these Defendants direct this Court's attention to its memorandum of law filed simultaneously herewith.

WHEREFORE, in the event this Court excludes Ford under Fed. R. Evid. 702 and 703, these Defendants request an Order granting summary judgment as to Plaintiffs' claims for lost wages/earning capacity because they are unable to prove same without expert proof. Defendants also request any further general relief to which this Court deems them entitled.

Respectfully submitted this 9th day of January, 2023.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via this Court's electronic filing system.

This 9th day of January, 2023.

s/Ellis A. Sharp

Ellis A. Sharp

s/ W. Tyler Chastain

W. Tyler Chastain